

### **Remarks**

Claims 9, 10, 24, 25, 32-34, and 36-38 were pending. By this amendment, claim 9 is amended. No claims have been added or canceled, therefore, after entry of this Amendment, **claims 9, 10, 24, 25, 32-34 and 36-38 are pending in this application.** Consideration of the pending claims is requested. No new matter is introduced by these amendments.

This filing is appropriate after final rejection because it will not require further search or examination in order for the case to be allowed, it enters suggestions discussed with the Examiner, and/or it places the case in better position for appeal should such become necessary.

### **Telephone Interview**

Applicants thank Examiner Yu for the courtesy of a telephone interview with their representative, Susan W. Graf, on February 25, 2008. During the telephone interview, the rejection of claims under 35 U.S.C. § 103 was discussed. Examiner Yu indicated that claims drawn to methods employing SEQ ID NO:2 would be free of the prior art and allowable.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 9, 10, 24, 25, 32, 33, 36, and 37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,650,501 (the '501 patent) in view of WO 01/53312 (Tang). In addition, claims 9, 37, and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,650,501 ('501 patent) in view of WO 01/53312 (Tang), and further in view of U.S. Patent No. 5,589,356 ('356 patent). Applicants request reconsideration in light of the amendment to the claims.

Claim 9 is amended herein to recite a "SAK polypeptide of SEQ ID NO:2 . . ." This amends the claims to conform with allowable subject matter, as discussed with the Examiner. Applicants therefore request the withdrawal of the rejections under 35 U.S.C. § 103(a).

**Conclusion**

Applicants respectfully submit that the claims are now in condition for allowance. If any issues remain, the Examiner is requested to contact the undersigned to arrange a telephonic interview prior to the preparation of any further written action.

Respectfully submitted,

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